

## Virginia Regulation Adoption Process - Key Steps

The maximum or minimum number of days allotted to accomplish each step as mandated by law or executive order is indicated after each step, as applicable.

Regulatory action notification stage.

1. Agency makes determination to promulgate regulation.
2. Agency prepares and submits preliminary determination for proposal to Secretary of Natural Resources and Department of Planning and Budget (DPB).
3. DPB conducts policy review of preliminary determination (14 days maximum).
4. DPB Advises Secretary and Governor as to whether proposal complies with executive policy.
5. Secretary notifies Governor of preliminary decision on proposal.
6. Governor notifies Secretary of final decision on proposal.
7. Secretary gives agency approval to publish Notice of Intended Regulatory Action (NOIRA).
8. Agency prepares and transmits NOIRA to Registrar of Regulations (14 days maximum).
9. Registrar publishes NOIRA in Virginia Register (20 days minimum).
10. Public comment period opens (30 days maximum for steps 10, 11, and 12).
11. Agency holds public meeting.
12. NOIRA comment period closes.

Proposed regulation development and promulgation stage.

13. Agency prepares (in conjunction with ad hoc group, if any) proposed regulation (180 days maximum for steps 13, 14, 15 and 16).
14. Agency presents proposed regulation to Board for publication approval.
15. Attorney General sends statutory authority statement to agency.
16. Agency prepares and submits regulatory review package to DPB and Secretary.
17. DPB conducts policy review and prepares economic impact analysis of proposed regulation (45 days maximum).
18. DPB sends Registrar and agency copy of economic impact analysis.
19. Agency prepares response to DPB economic impact analysis.
20. DPB advises Secretary and Governor as to whether proposal complies with executive policy.
21. Secretary notifies Governor of preliminary decision on proposed regulation.
22. Governor notifies Secretary of final decision on proposed regulation.
23. Secretary gives agency approval to submit regulatory review package to Registrar.
24. Agency submits regulatory review package to Registrar (14 days maximum).
25. Proposed regulation published in Virginia Register (20 days minimum).

26. Public comment period opens (60 days minimum for steps 26, 27, 28, and 29).
27. Public hearing(s) held on proposed regulation.
28. Governor submits comments to Virginia Register for publication.
29. Public comment period closes.

Final regulation development and promulgation stage.

30. Agency addresses public comments and prepares changes to proposed regulation (120 days maximum for steps 30, 31, 32, and 33).
31. Agency submits proposed regulation with any suggested changes to Board for approval as final regulation.
32. Attorney General sends statutory authority statement to agency.
33. Agency transmits final regulation to Virginia Register for publication.
34. Registrar publishes final regulation in Virginia Register (20 days minimum).
35. Final adoption period commences (30 days minimum for steps 35 and 36).
36. Final adoption period ends.
37. Final regulation becomes effective immediately or on date specified by agency.